



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 17-697**

**Released: July 19, 2017**

**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU REMINDS STATE  
TELECOMMUNICATIONS RELAY SERVICE PROGRAMS TO SEEK RECERTIFICATION**  
**CG Docket No. 03-123**

Under Section 225, states wishing to operate their own telecommunications relay service (TRS) programs for the provision of intrastate and interstate TRS must have certification from the Federal Communications Commission (FCC or Commission) to do so.<sup>1</sup> Commission rules provide that states and covered territories may receive TRS certification in five year increments.<sup>2</sup> This Public Notice alerts states and territories that the certifications they now hold will expire on July 25, 2018. Under the Commission's rules, each certified state or territory may file an application for renewal of its certification one year prior to expiration, i.e., beginning July 25, 2017.<sup>3</sup> Although there is no prescribed deadline for filing, we request that renewal applications be filed no later than October 1, 2017, to give the Commission sufficient time to review and rule on the applications prior to expiration of the existing certifications.

Congress created the TRS program in Title IV of the Americans with Disabilities Act of 1990 (ADA),<sup>4</sup> codified at Section 225 of the Communications Act of 1934, as amended (Act).<sup>5</sup> TRS enables persons with hearing and speech disabilities to access the telephone system to communicate with other individuals.<sup>6</sup> Under the Act, the Commission must ensure that the provision of TRS is functionally equivalent to voice telephone services.<sup>7</sup> The Commission's TRS regulations set forth mandatory minimum standards that TRS providers must follow to meet this functional equivalency mandate.<sup>8</sup>

<sup>1</sup> 47 U.S.C. § 225(f). TRS are "telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio." 47 U.S.C. § 225(a)(3). See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12479, para. 3 & n.18 (2004) (describing how a traditional TRS call works). Although state TRS programs may offer interstate as well as intrastate TRS, only the costs associated with the provision of intrastate TRS are recovered from the state. See 47 U.S.C. § 225(d)(3).

<sup>2</sup> 47 CFR § 64.606(c)(1). The Consumer and Governmental Affairs Bureau (CGB or Bureau), under delegated authority, issued its last round of certification grants in July 2013. *Notice of Certification of State Telecommunications Relay Services (TRS) Programs*, Public Notice, 28 FCC Rcd 9987, 9987 (CGB 2013).

<sup>3</sup> 47 CFR § 64.606(c)(1).

<sup>4</sup> Pub. L. No. 101-336, 104 Stat. 327 (July 26, 1990).

<sup>5</sup> 47 U.S.C. § 225.

<sup>6</sup> *Id.* § 225(a)(3).

<sup>7</sup> *Id.* § 225(a)(3).

<sup>8</sup> See 47 CFR § 64.604.

All certified state TRS programs are required to provide traditional (TTY-based) TRS, interstate Spanish language traditional TRS, and speech-to-speech relay (STS) service.<sup>9</sup> States may also offer captioned telephone relay service (CTS).<sup>10</sup> Each state seeking renewal of its certification must submit documentation to the Commission that describes its relay program and includes its procedures and remedies for enforcing any requirements that the program may impose.<sup>11</sup> In addition, a state must establish that its program makes available to TRS users informational materials on state and Commission complaint procedures sufficient for users to know the proper procedures for filing complaints.<sup>12</sup> This certification process is intended to ensure that TRS is provided in a uniform manner throughout the United States and territories. The Commission's TRS rules further explain that documentation should be submitted in narrative form, and that the Commission shall provide the public with notice of and an opportunity to comment on such applications.<sup>13</sup>

Per the following schedule, the Bureau will release for public comment each application for renewal, after which it will review each application to determine whether the state TRS program has sufficiently documented that it meets or exceeds all of the applicable operational, technical and functional mandatory minimum standards set forth in section 64.604 of the Commission's rules.<sup>14</sup> The state must also establish that the program does not conflict with federal law.<sup>15</sup> In addition, applications will be reviewed to ensure that each state TRS program makes available adequate procedures and remedies for enforcing the requirements of each state's program.<sup>16</sup> The Bureau will release public notices of renewal of certification for each state on a rolling basis.

#### SUMMARY OF STATE TRS PROGRAM CERTIFICATION TIMELINE

DATE	FCC ACTION	PROCESS
Beginning July 2017	CGB will issue Public Notices seeking comment on state TRS applications that have been filed.	Comments are due within 30 days of release of the Public Notices; reply comments are due within 15 days thereafter.
July 2017 - May 2018	CGB will review applications for TRS recertification for compliance with 47 CFR §§ 64.604 and 64.606.	If necessary, the Bureau will send deficiency letters requesting additional information from states to ensure compliance with TRS mandatory minimum standards and other certification requirements.

<sup>9</sup> See 47 CFR § 64.603.

<sup>10</sup> Since 2003, CTS has been a non-mandatory type of TRS that is eligible for compensation from the states for intrastate calls and from the Interstate TRS Fund for interstate or IP-based CTS calls. *Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, 18 FCC Rcd 16121 (2003).

<sup>11</sup> 47 U.S.C. § 225(f); 47 CFR § 64.606(a).

<sup>12</sup> 47 CFR § 64.606(b)(1)(ii).

<sup>13</sup> *Id.* § 64.606(a).

<sup>14</sup> 47 U.S.C. § 225(f)(2)(A). See 47 CFR § 64.604.

<sup>15</sup> 47 CFR § 64.606(b)(1)(iii).

<sup>16</sup> 47 U.S.C. § 225(f)(2)(B).

May 2018 - July 2018	CGB will issue certification renewals on a rolling basis.	
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**PROCEDURES FOR FILING: All filings must reference CG Docket No. 03-123 and be captioned “TRS State Certification Application.”**

**Electronic Filers:** Filings may be filed electronically using the Internet by accessing the Commission’s electronic comment filing system (ECFS): <http://apps.fcc.gov/ecfs/>. Follow the instructions provided on the website for submitting electronic filings. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket No. 03-123.

**Paper Filers:** Parties who choose to submit by paper must submit an original and one copy of each filing. To expedite the processing of the applications, parties submitting by paper are encouraged to submit an additional copy to Attn: Dana Wilson, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12<sup>th</sup> Street, SW, Room 3-C418, Washington, DC 20554 or by email at [Dana.Wilson@fcc.gov](mailto:Dana.Wilson@fcc.gov).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filing for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filings hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

**ADDITIONAL INFORMATION**

A copy of this *Public Notice* and related documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554. Filings also may be found by searching on the Commission's Electronic Comment Filing System (ECFS) at <http://apps.fcc.gov/ecfs/> (insert CG Docket No. 03-123 into the Proceeding block).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

For further information, please contact please contact Dana Wilson, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2247 (voice) or e-mail at [Dana.Wilson@fcc.gov](mailto:Dana.Wilson@fcc.gov).

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